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COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Promotion
and Protection of Human Rights
Fifty-third session
Item 6 of the provisional agenda

OTHER ISSUES

Note by the Secretary-General

1. Pursuant to Sub-Commission resolution 5 (XIV), the present note reviews developments between 1 June 2000 and 1 June 2001 in fields with which the Sub-Commission has been previously concerned. It supplements those questions which are dealt with in the annotations to the provisional agenda for the fifty-third session of the Sub-Commission (E/CN.4/Sub.2/2001/1/Add.1).

I. INTERNATIONAL COVENANTS ON HUMAN RIGHTS

2. As at 1 June 2001, 145 States had ratified, acceded or succeeded to the International Covenant on Economic, Social and Cultural Rights. As at the same date, 148 States had ratified, acceded or succeeded to the International Covenant on Civil and Political Rights, 98 States had ratified or acceded to the Optional Protocol to the latter Covenant and 45 States had ratified or acceded to the Second Optional Protocol aiming at the abolition of the death penalty. With respect to article 41, paragraph 1, of the International Covenant on Civil and Political Rights, 47 States had made the declaration envisaged under that provision of the Covenant.

Human Rights Committee

3. At its sixty-ninth, seventieth and seventy-first sessions, held in July and October/November 2000 and March 2001, respectively, the Committee considered 14 reports submitted by States parties under article 40 of the International Covenant on Civil and Political Rights.

4. At the three sessions, the Committee also adopted 21 views under article 5, paragraph 4, of the Optional Protocol to the Covenant, 2 decisions declaring complaints admissible and 14 decisions declaring complaints inadmissible. Nine cases were discontinued without a formal decision.

5. A report on the Committee's sixty-seventh to sixty-ninth sessions was submitted to the General Assembly at its fifty-fifth session (A/55/40) and a report on its seventieth to seventy-second sessions will be submitted to the General Assembly following the Committee's seventy-second session in July 2001.

Committee on Economic, Social and Cultural Rights

6. At its twenty-third (extraordinary), twenty-fourth and twenty-fifth sessions, held in August/September 2000, November/December 2000 and April/May 2001, respectively, the Committee considered reports submitted by 14 States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights, as well as the situation in one country in the absence of a report from that State party. The Committee subsequently adopted its concluding observations thereon.

7. During its twenty-fourth session, on 27 November 2000, the Committee held its day of general discussion, organized in cooperation with the World Intellectual Property Organization (WIPO), on the "right of everyone to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author" (article 15 (1) (c) of the Covenant). In that connection, the Committee had before it a discussion paper prepared by Dr. Audrey Chapman (E/C.12/2000/12) and background documents submitted by specialized agencies, United Nations programmes and individual experts (E/C.12/2000/13-19). The day of general discussion was attended by representatives of interested intergovernmental and non-governmental organizations, academic institutions and individual experts, who participated actively in the discussion. The Committee particularly appreciated the cooperation of WIPO and the active participation in the discussion of UNESCO and the World Trade Organization. The Committee decided, as a follow-up to the discussion, to commence the drafting of a general comment on article 15 (1) (c).

8. At its twenty-fifth session, on 7 May 2001, the Committee held an "International consultation on economic, social and cultural rights in development activities of international institutions" organized in cooperation with the High Council for International Cooperation of France, in which high-level representatives of relevant international institutions and agencies participated. The High Council was represented by its President, Jean-Louis Bianco. Also participating were Juan Somavia, Director-General of the International Labour Organization; Rubens Ricupero, Secretary-General of the United Nations Conference on Trade and Development and Bertrand Ramcharan, Deputy High Commissioner for Human Rights (documents E/C.12/2001/4-9; E/C.12/2001/WP.1-3; E/C.12/2001/SR.21 and 22).

9. Also at its twenty-fifth session, the Committee adopted a "Statement on poverty and the International Covenant on Economic, Social and Cultural Rights" (E/C.12/2001/10), which was submitted as the Committee's contribution to the Third United Nations Conference on Least Developed Countries held in Brussels from 14 to 20 May 2001.

10. The Committee's report on its twenty-second to twenty-fourth sessions (E/2000/22) will be before the Economic and Social Council at its substantive session of 2001 in July.

II. INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

11. As at 22 May 2001, 157 States had adhered to the International Convention on the Elimination of All Forms of Racial Discrimination. Thirty-three States parties had made the declaration under article 14 of the Convention recognizing the competence of the Committee to receive and consider communications from individuals or groups of individuals claiming to be victims of violation by those States parties of any of the rights set forth in the Convention.

Committee on the Elimination of Racial Discrimination

12. During its fifty-seventh and fifty-eighth sessions, held in August 2000 and March 2001, respectively, the Committee considered reports submitted by 23 States parties to the Convention. Additionally, the Committee reviewed the application of the Convention in three States parties whose reports were seriously overdue.

13. The Committee discussed the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance at each of its sessions. Prior to its fifty-eighth session, the Committee finalized its written contribution for the World Conference (A/CONF.189/PC.1/13). During its fifty-eighth session, the Committee developed a set of targeted measures for proposed inclusion in the draft declaration and programme of action of the World Conference and discussed the nature and extent of the Committee members' participation at the second session of the Preparatory Committee in May 2001, and at the Conference itself.

General Assembly

14. A report on the Committee's fifty-sixth and fifty-seventh sessions was submitted to the General Assembly at its fifty-fifth session (A/55/18) and a report on the Committee's fifty-eighth and fifty-ninth sessions will be submitted to the General Assembly at its fifty-sixth session following the Committee's fifty-ninth session in August 2001.

Commission on Human Rights

15. At its fifty-seventh session, the Commission on Human Rights adopted resolution 2001/5 of 18 April 2001, in which it addressed, inter alia, the International Convention on the Elimination of Racial Discrimination. The Commission on Human Rights appealed to States that had not yet done so to consider ratifying or acceding to the Convention; recommended that the issue of universal ratification of the Convention, as well as reservations thereto, and the competence of the Committee on the Elimination of Racial Discrimination to receive individual complaints be considered at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance; called upon States parties that had not submitted initial or periodic reports in accordance with article 9 of the Convention to do so; urged States parties to limit the extent of any reservations they lodged to the Convention; called upon States parties to the Convention to adopt immediately positive measures aimed at the elimination of all forms of

racial discrimination, xenophobia and related intolerance; requested the States parties to the Convention to consider the possibility of making the declaration provided for in article 14 of the Convention; and invited States parties to ratify the amendment to article 8 of the Convention dealing with the financing of the Committee.

16. The Commission on Human Rights again invited the Committee on the Elimination of Racial Discrimination to participate actively in the preparatory process for the World Conference.

III. CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

17. As at 15 May 2001, the Convention had been ratified or acceded to by 124 States.

Committee against Torture

18. The Committee against Torture submitted a report on its twenty-third and twenty-fourth sessions to the General Assembly at its fifty-fifth session (A/55/44). At its twenty-fifth and twenty-sixth sessions, held in November 2000 and April/May 2001, respectively, the Committee considered 14 reports submitted by States parties under article 19 of the Convention. It also continued in closed meeting its activities under article 20 (inquiries) and 22 (individual communications) of the Convention. The Committee will include a summary account of the results of the proceedings relating to an inquiry in its report to the General Assembly at its fifty-sixth session. Furthermore, at its two sessions, the Committee considered a total of 19 communications. It took decisions to declare 2 communications admissible and 1 inadmissible. In addition, the Committee suspended consideration of 2 communications, adopted views in respect of 11 communications and discontinued 3 communications. Information on the Committee's twenty-fifth and twenty-sixth sessions will be contained in the annual report to the General Assembly at its fifty-sixth session referred to above.

IV. CONVENTION ON THE RIGHTS OF THE CHILD

19. As at 15 May 2001, the Convention on the Rights of the Child had been ratified or acceded to by 191 States. The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict had been ratified by 4 States parties, and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography by 3 States.

20. At its twenty-fifth, twenty-sixth and twenty-seventh sessions, held in September/October 2000, January 2001 and May/June 2001, respectively, the Committee considered 21 initial and 6 periodic reports submitted under article 44 of the Convention on the Rights of the Child.

21. At its twenty-fifth session, the Committee held a discussion day on the theme "State violence against children". The High Commissioner for Human Rights opened the meeting which was also attended by a representative of the Committee against Torture and the Special Rapporteur on torture of the Commission on Human Rights. Representatives of States parties,

United Nations bodies, specialized agencies and other competent bodies, including non-governmental organizations, contributed to the discussion and provided expert advice.

General Assembly

22. At its fifty-fifth session, the General Assembly, in its resolution 55/79, inter alia, requested the Secretary-General to submit to the Assembly at its fifty-sixth session a report on the rights of the child, containing information on the status of the Convention and the problems addressed in the resolution which addressed, among other things, the protection and promotion of the rights of children, including children in particularly vulnerable situations, discrimination against children, the prevention and eradication of the sale of children and of their sexual exploitation and abuse, including child prostitution and child pornography, the protection of children affected by armed conflict, and the progressive elimination of child labour.

Commission on Human Rights

23. The Commission, at its fifty-seventh session, adopted resolution 2001/75 on the rights of the child, in which it addressed the implementation of the Convention on the Rights of the Child and other instruments; protection and promotion of the rights of the child, including such issues as identity, family relations and birth registration, health, education and freedom from violence; non-discrimination, including with respect to the girl child, children with disabilities and migrant children; protection and promotion of the rights of children in particularly difficult situations, including children working and/or living on the streets, refugee and internally displaced children, child labourers and children alleged to have or recognized as having infringed penal law; prevention and eradication of the sale of children, child prostitution and child pornography; protection of children affected by armed conflict; recovery and social reintegration.

V. EFFECTIVE IMPLEMENTATION OF INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS, INCLUDING REPORTING OBLIGATIONS OF STATES PARTIES TO THE UNITED NATIONS INSTRUMENTS IN THE FIELD OF HUMAN RIGHTS

24. The chairpersons of the human rights treaty bodies held their twelfth annual meeting in June 2000 at the United Nations Office at Geneva. The report of this meeting, containing the suggestions and recommendations of the chairpersons, was submitted to the General Assembly at its fifty-fifth session (A/55/206).

25. The thirteenth annual meeting will be held from 18 to 22 June 2001 at Geneva. The Chairperson of the Sub-Commission has been invited to present the recent developments in the work of the Sub-Commission that are relevant to the work of the treaty bodies and to discuss possible areas of cooperation. In addition, the chairpersons will discuss a wide range of issues related to their functioning and coordination, including with representatives of States, United Nations agencies, funds and programmes, and non-governmental organizations. They will also hold a joint meeting with the mandate-holders of special procedures of the Commission on Human Rights which, pursuant to the decision of the last joint meeting, will focus on the topic

of follow-up to the recommendations of treaty bodies and of special procedures. The report of the thirteenth annual meeting of the chairpersons of the human rights treaty bodies will be submitted to the General Assembly at its fifty-seventh session.

General Assembly

26. In its resolution 55/90, the General Assembly, inter alia, welcomed the submission of the reports of the chairpersons of the human rights treaty bodies on their 11th and 12th meetings and took note of their conclusions and recommendations; welcomed the plans of action prepared by the High Commissioner for Human Rights to enhance the resources available to all the treaty bodies and encouraged all Governments, agencies and organizations to consider contributing to the appeal for extrabudgetary resources for the treaty bodies until regular budget funding could meet their needs; encouraged the Secretary-General, the treaty bodies and the chairpersons to continue to examine ways of reducing the duplication of reporting required under the different instruments, without impairing the quality of reporting, and of generally reducing the reporting burden on States parties, including through an ongoing examination of proposals for reports focused on a limited range of issues, the harmonization of the general guidelines regarding the form and content of reports, the possibility of consolidating overdue reports, the timing of consideration of reports and the methods of work of the treaty bodies; and called upon the Secretary-General to complete as soon as possible the detailed analytical study comparing the provisions of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which is being prepared with a view to identifying duplication of reporting required under those instruments.

27. In accordance with its resolution 55/90, the General Assembly will consider the question of effective implementation of international instruments on human rights on a priority basis at its fifty-seventh session.

Commission on Human Rights

28. In its resolution 2000/75, entitled "Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights", the Commission requested the Secretary-General to report to the Commission at its fifty-eighth session on measures taken to implement the resolution and obstacles to its implementation, and on measures taken or planned to ensure financing and adequate staff and information resources for the effective operation of the human rights treaty bodies. The Commission decided to consider this question on a priority basis at its fifty-eighth session.

VI. INTERNATIONAL CONVENTION ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES

29. The Convention, which was adopted by the General Assembly in 1990 (resolution 45/158), will enter into force when 20 States have ratified or acceded to it. As at 1 June 2001, 16 States (Azerbaijan, Bolivia, Bosnia and Herzegovina, Cape Verde, Colombia, Egypt, Ghana, Guinea, Mexico, Morocco, Philippines, Senegal, Seychelles, Sri Lanka, Uganda and Uruguay) had ratified or acceded to the Convention and 10 other States (Bangladesh, Chile, Comoros, Guatemala, Guinea-Bissau, Paraguay, Sao Tome and Principe, Sierra Leone, Tajikistan and Turkey) had signed it.

30. In its resolution 55/88, the General Assembly called upon all Member States to consider signing and ratifying or acceding to the Convention as a matter of priority and expressed the hope that the Convention would enter into force at an early date; requested the Secretary-General to provide all facilities and assistance necessary for the promotion of the Convention, through the World Public Information Campaign on Human Rights and the programme of advisory services in the field of human rights; and welcomed the work of the Special Rapporteur on the human rights of migrants of the Commission on Human Rights in relation to the Convention and encouraged her to continue in that endeavour.

31. The Commission on Human Rights, at its fifty-seventh session, adopted a similar resolution (2001/53).